

110TH CONGRESS  
1ST SESSION

# H. R. 3403

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2007

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “911 Modernization and  
5       Public Safety Act of 2007”.

6       **TITLE I—911 SERVICES AND IP-**  
7       **ENABLED VOICE SERVICE**  
8       **PROVIDERS**

9       **SEC. 101. DUTY TO PROVIDE 911 AND E-911 SERVICE.**

10       The Wireless Communications and Public Safety Act  
11       of 1999 is amended—

12               (1) by redesignating section 6 (47 U.S.C. 615b)  
13       as section 7;

14               (2) by inserting after section 5 the following  
15       new section:

16       **“SEC. 6. DUTY TO PROVIDE 911 AND E-911 SERVICE.**

17               “(a) DUTIES.—It shall be the duty of each IP-en-  
18       abled voice service provider to provide 911 service and E-  
19       911 service to its subscribers in accordance with the re-  
20       quirements of the Federal Communications Commission  
21       (in this section referred to as the ‘Commission’), as in ef-  
22       fect on the date of enactment of the 911 Modernization  
23       and Public Safety Act of 2007 and as such requirements  
24       may be modified by the Commission from time to time.

1       “(b) PARITY FOR IP-ENABLED VOICE SERVICE PRO-  
2 VIDERS.—An IP-enabled voice service provider that seeks  
3 capabilities from an entity with ownership or control over  
4 such capabilities to comply with its obligations under sub-  
5 section (a) shall, for the exclusive purpose of complying  
6 with such obligations, have the same rights, including  
7 rights of interconnection, and on the same rates, terms,  
8 and conditions, as apply to a provider of commercial mo-  
9 bile service (as such term is defined in section 332(d) of  
10 the Communications Act of 1934 (47 U.S.C. 332(d))),  
11 subject to such regulations as the Commission prescribes  
12 under subsection (c).

13       “(c) REGULATIONS.—The Commission—

14               “(1) within 90 days after the date of enactment  
15 of the 911 Modernization and Public Safety Act of  
16 2007, shall issue regulations implementing such Act,  
17 including regulations that—

18                       “(A) ensure that IP-enabled voice service  
19 providers have the ability to exercise their  
20 rights under subsection (b);

21                       “(B) take into account any technical, net-  
22 work security, or information privacy require-  
23 ments that are specific to IP-enabled voice serv-  
24 ices; and

1           “(C) provide, with respect to any capabili-  
2           ties that are not required to be made available  
3           to a commercial mobile service provider but  
4           that the Commission determines under subpara-  
5           graph (B) of this paragraph or paragraph (2)  
6           are necessary for an IP-enabled voice service  
7           provider to comply with its obligations under  
8           subsection (a), that such capabilities shall be  
9           available at the same rates, terms, and condi-  
10          tions as would apply if such capabilities were  
11          made available to a commercial mobile service  
12          provider; and

13          “(2) may modify such regulations from time to  
14          time, as necessitated by changes in the market or  
15          technology, to ensure the ability of an IP-enabled  
16          voice service provider to comply with its obligations  
17          under subsection (a) and to exercise its rights under  
18          subsection (b).

19          “(d) DELEGATION OF ENFORCEMENT TO STATE  
20          COMMISSIONS.—The Commission may delegate authority  
21          to enforce the regulations issued under subsection (c) to  
22          State commissions or other State agencies or programs  
23          with jurisdiction over emergency communications. Nothing  
24          in this section is intended to alter the authority of State  
25          commissions or other State agencies with jurisdiction over

1 emergency communications, provided that the exercise of  
2 such authority is not inconsistent with Federal law or  
3 Commission requirements.

4 “(e) IMPLEMENTATION.—

5 “(1) LIMITATION.—Nothing in this section  
6 shall be construed to permit the Commission to issue  
7 regulations that require or impose a specific tech-  
8 nology or technology standard.

9 “(2) ENFORCEMENT.—The Commission shall  
10 enforce this section as if this section was a part of  
11 the Communications Act of 1934. For purposes of  
12 this section, any violations of this section, or any  
13 regulations promulgated under this section, shall be  
14 considered to be a violation of the Communications  
15 Act of 1934 or a regulation promulgated under that  
16 Act, respectively.

17 “(f) STATE AUTHORITY OVER FEES.—

18 “(1) AUTHORITY.—Nothing in this Act, the  
19 Communications Act of 1934 (47 U.S.C. 151 et  
20 seq.), the 911 Modernization and Public Safety Act  
21 of 2007, or any Commission regulation or order  
22 shall prevent the imposition and collection of a fee  
23 or charge applicable to commercial mobile services or  
24 IP-enabled voice services specifically designated by a  
25 State, political subdivision thereof, or Indian tribe

1       for the support or implementation of 911 or E-911  
2       services, provided that the fee or charge is obligated  
3       or expended only in support of 911 and E-911 serv-  
4       ices, or enhancements of such services, as specified  
5       in the provision of State or local law adopting the  
6       fee or charge. For each class of subscribers to IP-  
7       enabled voice services, the fee or charge may not ex-  
8       ceed the amount of any such fee or charge applicable  
9       to the same class of subscribers to telecommuni-  
10      cations services.

11           “(2) FEE ACCOUNTABILITY REPORT.—To en-  
12      sure efficiency, transparency, and accountability in  
13      the collection and expenditure of fees for the support  
14      or implementation of 911 or E-911 services, the  
15      Commission shall submit a report within 1 year  
16      after the date of enactment of the 911 Moderniza-  
17      tion and Public Safety Act of 2007, and annually  
18      thereafter, to the Committee on Commerce, Science  
19      and Transportation of the Senate and the Com-  
20      mittee on Energy and Commerce of the House of  
21      Representatives detailing the status in each State of  
22      the collection and distribution of 911 fees, and in-  
23      cluding findings on the amount of revenues obligated  
24      or expended by each State or political subdivision

1       thereof for any purpose other than the purpose for  
2       which any fee or charges are presented.

3       “(g) AVAILABILITY OF PSAP INFORMATION.—The  
4       Commission may compile a list of public safety answering  
5       point contact information, contact information for pro-  
6       viders of selective routers, testing procedures, classes and  
7       types of services supported by public safety answering  
8       points, and other information concerning 911 elements,  
9       for the purpose of assisting IP-enabled voice service pro-  
10      viders in complying with this section, and may make any  
11      portion of such information available to telecommuni-  
12      cations carriers, wireless carriers, IP-enabled voice service  
13      providers, other emergency service providers, or the ven-  
14      dors to or agents of any such carriers or providers, if such  
15      availability would improve public safety.

16      “(h) RULE OF CONSTRUCTION.—Nothing in the 911  
17      Modernization and Public Safety Act of 2007 shall be con-  
18      strued as altering, delaying, or otherwise limiting the abil-  
19      ity of the Commission to enforce the rules adopted in the  
20      Commission’s First Report and Order in WC Docket Nos.  
21      04–36 and 05–196, as in effect on the date of enactment  
22      of the 911 Modernization and Public Safety Act of 2007,  
23      except as such rules may be modified by the Commission  
24      from time to time.”; and

1 (3) in section 7 (as redesignated by paragraph  
 2 (1) of this section) by adding at the end the fol-  
 3 lowing new paragraph:

4 “(8) IP-ENABLED VOICE SERVICE.—The term  
 5 ‘IP-enabled voice service’ has the meaning given the  
 6 term ‘interconnected VoIP service’ by section 9.3 of  
 7 the Federal Communications Commission’s regula-  
 8 tions (47 CFR 9.3).”.

9 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**  
 10 **WORK.**

11 Section 158 of the National Telecommunications and  
 12 Information Administration Organization Act (47 U.S.C.  
 13 942) is amended—

14 (1) in subsection (b)(1), by inserting before the  
 15 period at the end the following: “and for migration  
 16 to an IP-enabled emergency network”;

17 (2) by redesignating subsections (d) and (e) as  
 18 subsections (e) and (f), respectively; and

19 (3) by inserting after subsection (c) the fol-  
 20 lowing new subsection:

21 “(d) MIGRATION PLAN REQUIRED.—

22 “(1) NATIONAL PLAN REQUIRED.—No more  
 23 than 270 days after the date of the enactment of the  
 24 911 Modernization and Public Safety Act of 2007,  
 25 the Office shall develop and report to Congress on



1 a national plan for migrating to a national IP-en-  
2 abled emergency network capable of receiving and  
3 responding to all citizen-activated emergency com-  
4 munications and improving information sharing  
5 among all emergency response entities.

6 “(2) CONTENTS OF PLAN.—The plan required  
7 by paragraph (1) shall—

8 “(A) outline the potential benefits of such  
9 a migration;

10 “(B) identify barriers that must be over-  
11 come and funding mechanisms to address those  
12 barriers;

13 “(C) include a proposed timetable, an out-  
14 line of costs, and potential savings;

15 “(D) provide specific legislative language,  
16 if necessary, for achieving the plan;

17 “(E) provide recommendations on any leg-  
18 islative changes, including updating definitions,  
19 to facilitate a national IP-enabled emergency  
20 network;

21 “(F) assess, collect, and analyze the expe-  
22 riences of the public safety answering points  
23 and related public safety authorities who are  
24 conducting trial deployments of IP-enabled  
25 emergency networks as of the date of enact-

1           ment of the 911 Modernization and Public  
2           Safety Act of 2007;

3           “(G) identify solutions for providing 911  
4           and E–911 access to those with disabilities and  
5           needed steps to implement such solutions, in-  
6           cluding a recommended timeline; and

7           “(H) analyze efforts to provide automatic  
8           location for E–911 purposes and recommenda-  
9           tions on regulatory or legislative changes that  
10          are necessary to achieve automatic location for  
11          E–911 purposes.

12          “(3) CONSULTATION.—In developing the plan  
13          required by paragraph (1), the Office shall consult  
14          with representatives of the public safety community,  
15          groups representing those with disabilities, tech-  
16          nology and telecommunications providers, IP-enabled  
17          voice service providers, Telecommunications Relay  
18          Service providers, and other emergency communica-  
19          tions providers and others it deems appropriate.”.

20   **SEC. 103. TECHNICAL AMENDMENTS.**

21          Section 3011(b) of the Digital Television Transition  
22          and Public Safety Act of 2005 (Public Law 109–171; 47  
23          U.S.C. 309 note), and section 158(b)(4) of the National  
24          Telecommunications and Information Administration Or-  
25          ganization Act (47 U.S.C. 942(b)(4)) are each amended

1 by striking “the 911 Modernization Act” and inserting  
2 “the 911 Modernization and Public Safety Act of 2007”.

## 3 **TITLE II—PARITY OF** 4 **PROTECTION**

### 5 **SEC. 201. LIABILITY.**

6 (a) AMENDMENTS.—Section 4 of the Wireless Com-  
7 munications and Public Safety Act of 1999 (47 U.S.C.  
8 615a) is amended—

9 (1) by striking “**PARITY OF PROTECTION**  
10 **FOR PROVISION OR USE OF WIRELESS SERV-**  
11 **ICE**” in the section heading and inserting “**SERV-**  
12 **ICE PROVIDER PARITY OF PROTECTION**”;

13 (2) in subsection (a)—

14 (A) by striking “wireless carrier,” and in-  
15 serting “wireless carrier, IP-enabled voice serv-  
16 ice provider, or other emergency communica-  
17 tions provider,”;

18 (B) by striking “its officers” the first place  
19 it appears and inserting “their officers”;

20 (C) by striking “emergency calls or emer-  
21 gency services” and inserting “emergency calls,  
22 emergency services, or other emergency commu-  
23 nications services”;

24 (3) in subsection (b)—

1 (A) by striking “using wireless 9–1–1 serv-  
 2 ice shall” and inserting “using wireless 9–1–1  
 3 service, or making 9–1–1 communications via  
 4 IP-enabled voice service or other emergency  
 5 communications service, shall”; and

6 (B) by striking “that is not wireless” and  
 7 inserting “that is not via wireless 9–1–1 serv-  
 8 ice, IP-enabled voice service, or other emer-  
 9 gency communications service”; and  
 10 (4) in subsection (c)—

11 (A) by striking “wireless 9–1–1 commu-  
 12 nications, a PSAP” and inserting “9–1–1 com-  
 13 munications via wireless 9–1–1 service, IP-en-  
 14 abled voice service, or other emergency commu-  
 15 nications service, a PSAP”; and

16 (B) by striking “that are not wireless” and  
 17 inserting “that are not via wireless 9–1–1 serv-  
 18 ice, IP-enabled voice service, or other emer-  
 19 gency communications service”.

20 (b) DEFINITION.—Section 7 of the Wireless Commu-  
 21 nications and Public Safety Act of 1999 (as redesignated  
 22 by section 101(1) of this Act) is further amended by add-  
 23 ing at the end the following new paragraphs:

24 “(9) OTHER EMERGENCY COMMUNICATIONS  
 25 SERVICE.—The term ‘other emergency communica-

1        tions service’ means the provision of emergency in-  
2        formation to a public safety answering point via wire  
3        or radio communications, and may include 911 and  
4        enhanced 911 services.

5            “(10) OTHER EMERGENCY COMMUNICATIONS  
6        SERVICE PROVIDER.—The term ‘other emergency  
7        communications service provider’ means—

8            “(A) an entity other than a local exchange  
9        carrier, wireless carrier, or an IP-enabled voice  
10       service provider that is required by the Federal  
11       Communications Commission consistent with  
12       the Commission’s authority under the Commu-  
13       nications Act of 1934 to provide other emer-  
14       gency communications services; or

15           “(B) in the absence of a Commission re-  
16       quirement as described in subparagraph (A), an  
17       entity that voluntarily elects to provide other  
18       emergency communications services and is spe-  
19       cifically authorized by the appropriate local or  
20       State 911 governing authority to provide other  
21       emergency communications services.”.

1 **TITLE III—AUTHORITY TO PRO-**  
2 **VIDE CUSTOMER INFORMA-**  
3 **TION FOR 911 PURPOSES**

4 **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**  
5 **TION.**

6 Section 222 of the Communications Act of 1934 (47  
7 U.S.C. 222) is amended—

8 (1) by inserting “or the user of an IP-enabled  
9 voice service (as such term is defined in section 7 of  
10 the Wireless Communications and Public Safety Act  
11 of 1999 (47 U.S.C. 615b))” after “section 332(d))”  
12 each place it appears in subsections (d)(4) and  
13 (f)(1);

14 (2) by striking “WIRELESS” in the heading of  
15 subsection (f); and

16 (3) in subsection (g)—

17 (A) by inserting “or a provider of IP-en-  
18 abled voice service (as such term is defined in  
19 section 7 of the Wireless Communications and  
20 Public Safety Act of 1999 (47 U.S.C. 615b))”  
21 after “telephone exchange service”;

22 (B) by striking “Notwithstanding sub-  
23 sections (b)” and inserting the following:

24 “(1) IN GENERAL.—Notwithstanding sub-  
25 sections (b)”;

1 (C) by adding at the end the following new  
2 paragraph:

3 “(2) PROHIBITED USE OF LOCATION INFORMA-  
4 TION DATABASES.—No administrator of any data-  
5 base used for the purpose of facilitating the provi-  
6 sion of emergency services may use for any competi-  
7 tive purpose data obtained from unaffiliated tele-  
8 communications carriers or IP-enabled voice service  
9 providers in the course of maintaining and operating  
10 that database. Nothing in this section is intended to  
11 prohibit government agencies otherwise authorized  
12 under law from requesting information contained in  
13 any such database.”.

Passed the House of Representatives November 13,  
2007.

Attest: LORRAINE C. MILLER,  
*Clerk.*